

REMARKS

The present application is a continuation of United States Patent Application Serial Number 09/755,716, filed January 5, 2001, entitled RF Breathalyzer. Presently, Claims 1-39 are pending in relation to the parent case and stand finally rejected. Specifically, according to the Final Office Action mailed April 28, 2003, Claims 1-28, 31-34, 37 and 38 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Conners et al. in view of Williamson et al. and Claims 29-30, 35-36 and 39 were objected to under 37 C.F.R. § 1.75(c) as being in improper form. Moreover, Claims 1-5, 31-34 and 37-38 have been rejected under 35 U.S.C. § 112, second paragraph as failing to properly define the invention in the manner required at law.

By the present Preliminary Amendment, Applicant seeks to respond to the outstanding issues raised in the Final Office Action mailed April 28, 2003, as well as place the claims in condition for allowance. To that end, Applicants have cancelled originally filed Claims 1-39 in favor of new claims 40-51, which more clearly and distinctly define the subject matter which they regard as the invention as well as distinguish the same from the prior art of record. In this regard, the present invention is now claimed as a radio frequency breathalyzer system for selectively permitting an individual to operate a vehicle comprising, *inter alia*, a breathalyzer unit, radio frequency transmitter coupled to the breathalyzer unit for transmitting signals corresponding to alcohol levels detected by the breathalyzer unit, and an immobilizer CPU operative to receive signals from the transmitter and prevent operation of the vehicle should signals be received indicative of alcohol concentrations above a threshold level.

The Conners et al. reference provides no teaching whatsoever as to the use of radio frequency signals, much less encoded radio frequency signals that are operatively transmitted via a breathalyzer to a vehicle immobilization unit operative to prevent operation of the vehicle once a certain alcohol concentration present in a breath sample is identified. Moreover, with respect to the Williamson, et al. reference, which is relied upon to supplement the teachings of Conners et al., expressly teaches away from the use of such

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system in sobriety interlock systems for vehicles or machines. See, e.g., Column 11, line 64 to Column 12 line 7 (portions of prior art directed to vehicle interlock systems expressly omitted). It should further be noted that neither of the references teach the invention, as now claimed, as the same further incorporates the use of a GPS system, alarms, or the further transmission of a communication signal along with a vehicle immobilizer mechanism. Accordingly, as newly submitted herein, Applicants respectfully submit that all the claims are allowable over the cited prior art.

Based on the foregoing, Applicant respectfully submits that the claims, as amended herein, are in condition for immediate allowance. Early notice to that effect is respectfully requested. To the extent the Examiner has any questions, requires additional information, or has any suggestions to resolve any outstanding issues that may exist, he is invited to contact Applicant's counsel at the number listed below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 9/29/03

By:



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